CONCERNS BOTH BRITISH INDIA
AND INDIAN STATES.

PUBLIC (SPECIAL) (1934) Department.

Ordinary
~~MISCELLANEOUS~~ SERIES.

G.O. No. 904 904

DATED 25 - 8 - 1934
25-8-1934

[Order on pages 48 & 50.]

[Despatch Abstract.]

Chief Court Part-time Nyayadhisha - Employment of the District Judge Bellary - Proposal of the Sandur Darbar accepted.

L Gl 2025 B
10220 10.4.33

No.P.786/33.

Madras States Agency,

Trivandrum, 1st April 1933.

From

L Gl 2025 B-1
10.4.33

Law (gnl) Dept.

The Agent to the Governor General,

Madras States.

11093

Public (Pol) no.

Vide precedent at (Q)

12.4.33

To

The Chief Secretary to the Government of Madras,

ASSISTANT SECRETARY TO GOVT. 6 APR 1933 CHIEF SECT.

ASSISTANT SECRETARY TO GOVT. CHIEF SECT.

Sir,

I have the honour to inform you that the Sandur Darbar have passed an Act (Act II of 1932) constituting a Chief Court for the State and that under Section 3 of the said Act a Nyayadhish (Judge) has to be appointed to preside over that Court. The Raja states that, as the cases coming up in second appeals are few and far between, there will not be work for a full time Nyayadhish and he therefore desires to appoint a part time officer. At the same time he is anxious that his choice of the Nyayadhish should fall on the right person and he enquires whether the Madras Government will be pleased to allow the District Judge at Bellary to be part time Nyayadhish of the Sandur Chief Court.

I have the honour to enquire whether the Madras Government will be agreeable to this proposal and if so, on what terms.

Pub (Pol) department
Law n.o

I have the honour to be,

Sir,

Your most obedient servant,

For Agent to the Governor General.

RS.

10220-1 Pub (Pol)
10-4-33

C.F. 32

In reply, please quote number, date and short title.

Confidential. DEPARTMENT. 4

Received. Registered. 414

From (Name) Arthur Thomas Esq.,

(Designation) Government Solicitor,

Post Box, (Station) Madras.

Telegraphic Address

CHIEF SECRETARY 1- JAN 1934 GOVT. OF MADRAS

To The Chief Secretary to Government,

Public (Special) Department,

Madras.

No. 38, dated 3rd January 1934

Sir

Chief Court of the Sandur State - Appointment of the District Judge, Bellary as part time presiding Officer.

Enclosures

Spare Copies

With reference to your Memorandum No. 17315-7 dated 6th November 1933 I have the honor to forward herewith in original the opinion of the Advocate General on the points raised therein and to return the copy of the Sandur Chief Court Act sent therewith.

I have the honor to be,

Sir,

Your obedient servant,

Government Solicitor.

CONFIDENTIAL

No. 4.

OPINION.

Ref:- Memorandum No. 17315-7 dated 6th November 1933, Public (Special) Department

Chief Court of the Sandur State - appointment of the District Judge, Bellary as part-time presiding officer.

In regard to the point raised in paragraph 2 of the Memorandum, I am quite clear that the District Judge of Bellary while within the limits of the Sandur State cannot exercise his duties as District and Sessions Judge of Bellary and that the provisions of section 9 of the Criminal Procedure Code cannot be invoked by the Local Government to enable them to permit the court of session holding its sittings within the limits of Sandur. The place or places referred to in section 9 can only be places within the limits of British India. That a Magistrate or Judge cannot ordinarily hold his court outside the limits of his jurisdiction is settled by a series of decisions, vide 3 Calcutta Law Journal 195; 16 Madras 463.

Madras,
3rd January 1934

6

Pub (Spl) Dept

Confl

Letter No. 17315/33-9 dt 29.1.34

Ref

To

The Agent to the Governor-General, Madras States, Trivandrum

Sir,

Sandur Chief Court Nyayadish - Dt. Judge of Bellary - Appt as part time Nyayadish - Your letter No. P. 786/33 dt 1.4.33.

I am directed to state that the Madras Govt are agreeable to the proposal of the Sandur Darbar that the Dt Judge of Bellary may be employed as part-time Nyayadish of the Sandur Chief

Court.

The Madras Govt. suggest the following terms —

(i) The Darbar shd. pay a recurring fee of Rs 100/- per for the services of the Judge, the ~~period~~ amount being made to revision after some experience is gained of the work involved & the time it will occupy

(ii) The Darbar shd. pay the travelling allowance of the Judge for his journeys to Sandur & back under the Madras T. A. Rules.

No leave or pensionary contribution will be leviable from the Darbar on the above fee.

It is presumed that a visit once a quarter to Sandur wd. be sufficient that no visit need be paid unless there is work

Public (Special) Department

Letter No. 173 II/315/33-11 & 30-634
Ref.

To

The A.G.G., Madras States,
Trivandrum.
(with copy of draft order)

Sir,

Sandur Chief Court - Appointment of District Judge, Bellary, as part-time Nyayadhish - Correspondence ending with your letter No. P.-786/33, d.28-5-34.

***

I am directed to state that the Madras Government have no objection to the modification of the terms of the employment of the District Judge, Bellary, as part-time Nyayadhish of the Sandur Chief Court, ~~xxxxxxxxx~~ suggested by the Sandur Darbar as detailed in your letter quoted above. I am to enquire ~~when~~ from what date the arrangement should come into force. A copy of the draft proceedings of this Government to be issued on receipt of your reply is enclosed for your information and remarks if any.

p. 12 C.F.

is suggested that the August 1934 would be a convenient date.

for orders

30/6/34

30.6.34

10

19441

No. P. 786/33-1934

Madras States Agency

Trivandrum, 17th August 1934.

Lieut. Colonel D.M.Field,

Agent to the Governor General, Madras States.

The Chief Secretary to the Government of Madras,

Fort St. George.

Sandur Chief Court - appointment of District Judge, Bellary, as part-time Nyayadish.

Ref:- Your letter No.17315-12 Public (Special) dated 9th August 1934.

Sir

I have the honour to inform you that the Sandur Darbar suggest that the arrangement may come into force from 1st September 1934. The District Judge, Bellary, may be asked to visit Sandur on that day to receive the warrant of appointment and enter on the duties of his office, as required under section 4 of the Sandur Chief Court Act II of 1932.

2. I have no remarks to offer on the draft proceedings forwarded with your letter No.17315/33-11 dated 30th June 1934.

3. A copy of the draft notification proposed to be issued by the Darbar is enclosed for your information and remarks if any.

I have the honour to

Sir,

Your most obedient servant

D. M. Field. Lieut.Colonel

AGENT TO THE GOVERNOR GENERAL.

DEPARTMENT OF LAW & ORDER.

Sandur Chief Court Appointment of a Nyayadhish.

The HUZUR has been graciously pleased to appoint the District Judge of Bellary as part time Nyayadhish of the Sandur Chief Court for a period of three years, in the first instance, on the following terms :-

1. The District Judge, Bellary, will be paid by the Sandur Darbar

(i) a recurring fee of Rs 100/- (one hundred rupees) per mensem,

(ii) travelling allowance for his journeys to Sandur and back under the Madras Travelling Allowance Rules.

2. The Nyayadhish will be amenable to the discipline of the Sandur Darbar for the purposes of the administration of the Sandur Chief Court Act (II of 1932), or any modification thereof. It will be within his discretion to arrange for the work of the Chief Court, which may arise from time to time, to suit his convenience and that of the Darbar.

3. The Nyayadhish should report to the Dewan of Sandur every time he comes to and returns from Sandur.

4 Whenever there is a change in the personnel of the District Judge of Bellary, the new incumbent shall receive a fresh warrant of appointment, and make and subscribe the declaration as required under section 4 of the Sandur Chief Court Act (II of 1932.)

5. The arrangement sanctioned above will come into force from 1 st. September 1934.

12

Public (Special) Dept

III

Letter No. 17315-14 Dis-8.
Reg.

To

The Agent to the
Governor-General,
Madras States

Sir,

Sandur Chief Court — Appointment of Dt. Judge, Bellary, as part-time Nyayadhish — Correspondence ending with your letter No. P. 786/33, dt. the 17th August 1934.

p 14 C.F

I am directed to forward a copy of the proceedings of this Govt. No. 904 Public (Spl), dt. the 25th August 1934 on the above subject, and to say that the

pp 1-3 ante
to be entered before issue

Despatched NKR 26/9

District Judge of Bellary has been asked to visit Sandur on the 1st September 1934 to receive the warrant of his appointment as part-time Nyayadhish of the Sandur Chief Court and to enter upon the duties of his office.

2 I am directed to say that the Governor in Council has no remarks to offer on the draft notification of the Sandur Darbar enclosed with your letter quoted above.

21/8/34

MMB
21.8

14

Public (Special) Department

Chief Court of Sandur State -
Appointment of Dt. Judge, Bellary, as
the presiding judge

Letter from the A.G.G., Madras States, No.P.
786/33, dated 1-4-1933.

Public (Political) dep

Law u.o.

A.L.
10-4

T.K.
10-4

D.H.E.
10-4-33

Law (General) department

Public (Special) u.o.

K.S.,
12-4

K.M.V.
12-4

B.R
12-4

Public (Special) Dept.

The A.G.G., Madras States, enquires whether this Government will agree to the proposa of the Raja of Sandur that the District Judge of Bellary may be appointed part-time Judge to preside over the Chief Court of Sandur and if so, on what terms. The District Judge of Bellary has been proposed for this appointment presumably because the Sandur State is in the Bellary dt.

2. It may be mentioned that any one of the District Judges of Kurnool, Bellary or Anantapur, can be appointed Additional Judge of the Court of the Hon. the Resident at Hyderabad; and at present the Dt. Judge of Bellary has been appointed Add. Jd.
If, as now proposed, the District Judge of Bellary

is appointed part-time Judge of the Chief Court of Sandur it would seem advisable that he should be relieved of the duties of the Additional Judge of the Resident's Court at Hyderabad the District Judge of Kurnool or Anantapur being appointed, in consultation with the Hon. the Resident, to perform the duties of the Addl. Judge of the Court of the Resident at Hyderabad, any change in the present incumbency of the post necessary being made

3 The terms of appointment of the District Judge, Chittoor, as Additional Sessions Judge of the Court of the Hon. the Resident in Mysore and Judicial Commissioner of Coorg, as recently sanction by the Government of India, and the terms of appointment of any one of the Dt. Judges of Kurnool, Bellary and Anantapur as Additional Judge of the Court of the Hon. the Resident at Hyderabad, as recently approved by this Government are mentioned below:-

Addl. Judge of the Court of the Hon. the Resident in Mysore & Judl. Commr. Coorg.	Addl. Judge of the Court of the Hon. the Resident at Hyderabad.
1 Special pay of Rs.350/- p.m. 2. Should visit Bangalore for a total period of about 30 days in a year, spread over 12 visits (exclusive of the days spent in travelling to & for). 3. Payment of t. a. to and fro. 4. Leave and pensionary charges to be adjusted under the existing	1. Payment of a fixed contribution to the Madras Government of Rs.250/P out of which the Dt. Judge concerned will be paid by the Madras Government a special pay of Rs.150/- p.m. and the remaining Rs.100/- will be retained by the Govt. as a set off against leave and pensionary charges which the Govt. will bear. 2. Payment of t. a. to & fro. 3. Period of absence from dt. of the Dt. Judge to be not more than 3 days in a month including days spent in travelling.

justice outside British India and administering law, which was neither the law of the State and not the law of British territory, with which he was still a judge in the two capacities in which the servant of the Maharao Sawmal and at the same the servant of the Sandur State. For the period he serves in Sandur he could be in State employ and could not legally perform any function connected with his duties in Bellary. The legal and administrative difficulties will be considerable rather than the financial. Law may first see. A High Court will probably have to be consulted if the matter is to be pursued further

Law (General) Dept

A.S.

Please see the letter of the Agent to the Governor-General, Madras States at page 1 c.f. enquiring whether this ~~Dept~~ Govt. will agree to the proposal of the Sandur Durbar to allow the District Judge, Bellary to be part time Nyayadhish of the Sandur Chief Court. The Chief Secretary considers that for the period the Dt. Judge, Bellary serves in Sandur, he will be in State employ and could not legally perform any function connected with his duties in Bellary. The District and Sessions Judges of this Presidency who are deputed to act as Addl Judges of the Court of the Hon. the Resident in Mysore and Judl. Commr. Coorg, or as Addl Judge of the Court of the Hon. the Resident at Hyderabad, are administering British laws as pointed out by the Chief Secretary. Here in the case of the Sandur State the deputation amounts to a loan of service of the Dt. Judge. The administration taken right State which may or may not conform to Br Laws. is also difference that whereas an officer on foreign service devotes the full time for which his services are lent in discharging the duties of the foreign employer, the Dt. Judge, Bellary will have to work only off and on for a few days at a time in the State. Attention in this connection is invited to G.O No. 1251 Law (General) dated 25-3-32 in which the services of Mr. C.Govindan Nair which shows a close parallel with this situation. were lent to the Pudukottai Durbar. It could be observed that during the period for which his services were lent, Mr. C.

(vide para 4 with no days not mentioned in CF)

(N)

A close parallel only in regard to loan of services to a State; not in regard to part-month performance of duties
26/6/35

Dp 38
Pub (Spl) 1109 3-2
30/6/33

ASSISTANT SECRETARY TO GOVERNMENT
4 - JUL 1933
FINANCE DEPT.

18253 Pl

A on pp 3-4 ante

Public (Special) originally proposed to suggest some terms to the Sandur darbar according to which contributions could be recovered from the darbar towards leave, pension, passage and subscription to the I C S Provident Fund. Law Secretary has however suggested that the district judge may under F.R. 46(a) be permitted to receive a recurring fee from the darbar for his services to it without detriment to the official duty.

2. It is submitted that in the Police department the Dist. Supt. of Police at Trichinopoly has been permitted to render service to the Pudukkottai darbar in police matters and he has been permitted to receive a recurring

fee from the darbar in addition to travelling expenses. Finance may therefore agree to ~~the~~ similar terms in this case also. The remuneration being a "fee" under F.R. 46(a) will not count for leave and pension.

Sd 8/2/43

H

3 As regards the amount of ~~fee~~ fee, Public Seem to suggest Rs 350 p.m. Submitted that this is excessive. The Dt. Judge who does work for Mysore and Coorg gets a special pay of Rs 350 p.m. while the Dt. Judge who does work for Hyderabad gets a special pay of Rs 150 p.m. In the case referred to in para 2 above, the D & P will be paid a recurring fee of Rs 150 p.m. by the Prudukkottai darbar.

Item (1) at A on p 3 ante

× He has to visit Bangalore for 30 days in a year.

Should be in Hyderabad for about 30 days a month

Inspection of one police station of the state in each quarter of the year. Inspection of the Commandant's office and the forces once a year and occasional advice on police matters.

It is stated that the cases coming up for second appeals in the present case are few and far between. No approximate estimate of the time that the Dt. Judge will have to spend at Sandur has been given. Presumably the work involved will not be much. Finance may consider that a recurring fee of Rs 100 p.m. will be adequate.

Page 1 cf

Yes, if the matter is to be pursued further

Sd 8/2/43

P.T.O.

5
13/7/33

4. The case may be referred to Public (Spl) with the revised letter which may be circulated to Ministers also.

Cro 471/10
1072

Pub (Spl)

UNDER SECRETARY
10 JUL 1933
CHIEF SECTT.

Pub (Spl) Dept.

I am inclined to reject a proposal of once. In my opinion, Ministers are paid to consult the High court.

I think we should help the Dart in the manner mentioned in my [illegible] believe that in British Provinces there are numerous petty states the rulers of which have limited powers which Govt. Officers used to exercise previous to the reform, although I believe these States have now passed under the control of the Gov. hence it is possible that similar conditions still prevail. I doubt think the Dept. Judge should have much

difficulty in administering the laws of Sandur. On p. 223 of a Collection of Treaties Engagements & Sanads Vol X it is stated that "No legislation is undertaken in Sandur; but such of the Acts of the Imperial & Madras Legislatures as appear to the administration to be suited to the State are brought into force by publicly notifying that they have been adopted"

The letter seems to be unnecessarily complicated. I believe that already the appointment of Add. Judge of the Court of the Hon. Resident at Hyderabad is not limited to the Dist. Judge of Bellary, but any one of certain Dist. Judges can be appointed. I am doubtful whether the work in Sandur will be heavy that we need lay it down that the Dt. J. of Bellary shall never be Add. Judge at Hyderabad if he takes on the Sandur work. I am inclined to omit para. 2. As regards the first part of para. 3, the usual arrangement made when a Dist. Judge is absent from the station would be made; the High Court may be asked what arrangements they make of this is not clear. Leg. Dept. has apparently not seen the Dispt.

Dist. 'C' - please see H applicants

Draft may be revised, as suggested, & re-circulated

CHIEF SECRETARY
14 AUG 1933
GOVT. OF MADRAS

A revised draft d. o. is submitted omitting para.2 as suggested at A above.

With reference to C above it is submitted that when a Dt. & Sessions Judge is away from

his district, e. g., during ~~the~~ vacation (Sports outside the Presidency), the Sessions Judge of an adjacent district is appointed under section 9(4) of the Cr. P. C. to be the Additional Sessions Judge of ~~th~~ his Court during his absence - vide G.O.R.No.125 Public (Spl), dated the 3rd March 1933. Sometimes when a Dt. Judge is absent on casual leave, bail applications arising in his Court are ordered to be made during his absence to the Sessions Judge of a neighbouring Court of Session - vide G.O.R.No.742 Public (Spl), dated the 9th December 1931. In their note at P on p.7 ante the Law department expressed a doubt whether under section 17(4) of the Cr. P.C. the Dt. & Sessions Judge of Bellary could make provision for the ~~xxx~~ disposal of any urgent application by the District Magistrate, Bellary. The High Court may therefore be asked. Para.3 has been ~~made~~ revised.

(M) pp. 6-7

(P) p. 7

Perhaps Law can say how urgent applns are now dealt with during the absence of Dt Sessions Judge of Bellary at Hyderabad.

Law may see before re-circulation of the file to H.M.Cs.3 and 4.

17833

17833

Law

Revised draft

Public (Special) Dept.

31

CONFIDENTIAL

Clean copy

D. O. No. 7315-3 & 7.9.3

[Previous draft at flag (A)]

My dear Chief Justice,

Chief Court of Sandur State - Appointment of Distric Judge, Bellary, as part-time presiding Judge.

***

I am directed to enclose a copy of letter No.P.786/33, dated the 1st April 1933, on the above subject, from the Agent to the Governor-General, Madras States, and to ask for the views of the Hon. the Judges on the proposals containe therein, and ~~in particular~~ on the suggestions made in the succeeding paragraphs.

2. While serving in Sandur the District Judge of Bellary would be outside the Presidency ~~seem to be in State employ~~ and could ~~not~~ legally perform any function connected with his duties as District and Sessions Judge of Bellary. ~~It would then be necessary,~~ If ~~the proposals of the Darbar are accepted, I am to ask that arrangements the Hon. the Judges would suggest~~ for the disposal of ~~any~~ urgent ~~applications~~ work during the absence of the Dt. & Sessions Judge

32

of Bellary in Sandur, ~~as it is considered doubtful whether he could act in accordance with the provisions of section 17 (4) of the Cr. P. C.~~

If the proposals of the Darbar are accepted

It has been suggested that the Sessions Judge of an adjoining District might be appointed Acting Sessions Judge of Bellary under section 9(4) of the Cr. P. C for the period in question so that the Sessions Judge of Bellary may take action under Section 17(4)

3. As regards the question whether the District Judge will be considered to be on foreign service or not while he is employed as part-time Judge of the Sandur Chief Court, I am to say that, reading Fundamental Rules 9 (7) and 46 together, it would seem that he need not be considered to be on foreign service, if there is otherwise no illegality involved in the arrangement proposed by the Sandur Darbar. In this view, it has been suggested that, if the proposals are agreed to, the Darbar should be asked to pay (1) a recurring fee of Rs.100/- per mensem for the services of the Judge, the figure being liable to revision after some experience is gained of the work involved and the time it will occupy, and (2) his travelling allowance at Madras rates for his visits to Sandur. It is presumed that a visit once

34 [Same as pp. 18-20]

CONFIDENTIAL.
D.O.No.17315-3.

Public (Special) Department.
Fort St. George,
Dated the 7th September, 1933.

My dear Chief Justice,

Chief Court of Sandur State - Appointment of District Judge, Bellary, as part-time presiding Judge.

I am directed to enclose a copy of letter No.P.786/33, dated the 1st April 1933, on the above subject, from the Agent to the Governor-General, Madras States, and to ask for the views of the Hon'ble the Judges on the proposals contained therein, and on the suggestions made in the succeeding paragraphs.

2. While serving in Sandur the District Judge of Bellary would be outside the Presidency and Government are doubtful whether he could legally perform any function connection with his duties as District and Sessions Judge of Bellary. I am to ask what arrangements should, in the opinion of the Hon'ble the Judges, be made for the disposal of urgent work during the absence of the District and Sessions Judge of Bellary in Sandur if the proposals of the Darbar are accepted. It has been suggested that the Sessions Judge of an adjoining District might be appointed Additional Sessions Judge of Bellary under Section 9(4) of the Criminal Procedure Code for the period in question or that the Sessions Judge of Bellary should take action under Section 17(4).

3. As regards the question whether the District Judge will be considered to be on foreign service or not while he is employed as part-time Judge of the Sandur Chief Court, I am to say that, reading Fundamental Rules 9(7) and 46 together, it would seem that he need not be considered to be on foreign service, if there is otherwise no illegality involved in the arrangement proposed by the Sandur Darbar. In this view, it has been suggested that, if the proposals are agreed to, the Darbar should be asked to pay (1) a recurring fee of Rs 100/- per mensem for the services of the Judge, the figure being liable to revision after some experience is gained of the work involved and the time it will occupy, and (2) his

3.

travelling allowance at Madras rates for his visits to Sandur. It is presumed that a visit once a quarter to Sandur would be sufficient and that no visit need be paid unless there is work to be done.

Yours sincerely,

The Hon'ble Justice Sir Vepa Ramesam,

Chief Justice, High Court, M A D R A S.

Confidential.

18th September 1933.

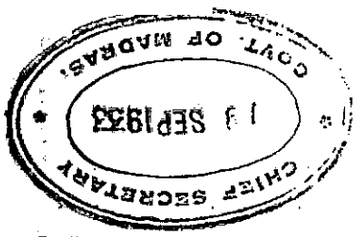
23569

My dear Brackenbury

Chief Court of Sandur State - appointment of District Judge, Bellary, as part-time presiding Judge - Reference your D.O.No.17315-3, Public(Special) dated 7-9-33.

I am to request you to furnish me with a copy of Act II of 1932 of the Sandur State, referred to in the letter from the Agent to the Governor-General, Madras States, No.P.786/33 dated 1st April 1933, forwarded along with your confidential D.O. referred to above.

Yours sincerely,



C.F. Brackenbury, Esquire, I.C.S.,
Chief Secretary to Government,
Public(Special) Department.

Pub (Spl) Dept.

Act II of 1932 of the Sandur State is not in the Secretarial Library. The A.G.G. may be asked to supply a copy.
A draft letter is submitted for approval.

22.9.33

23.9.33

p. 4 CF. [Letter No. 17315-4 of 25.9.33 to the
(C. No. 25-624) From the A. G. G., Madras State
p5CF. No. P. 786/3 of 7.10.1933.

A draft d.o. to the Registr
is submitted for approva

13/10/33

13/10/33

13/10/33

39

26679

Confidential.

25th October 1933.

My dear Brackenbury,

Chief Court of Sandur State - appointment of District Judge, Bellary, as part-time presiding Judge - Refce. your confidential D.O.No.17315-3, Public(Special) dated 7th September 1933.

I am directed to state that the Hon'ble the Judges see no objection to the proposal contained in your demi-official letter referred to above, provided that it does not interfere with the normal discharge of the duties of the District Judge at Bellary. Urgent criminal work can be provided for under section 17(4) of the Criminal Procedure Code.

As regards the legal doubts expressed by the Government, I am to state that the removal of such doubts seems to be the proper function of the Advocate General, rather than of the Hon'ble the Judges.

Yours sincerely,

C.F. Brackenbury, Esquire, I.C.S.,
Chief Secretary to Government,
Public(Special) Dept.,
(with copy of Act II of 1932
of the Sandur State returned).

40 7

Law (Gl.) Dept.

A.S.

The draft Memo. may be perused and the file retd. to Public (Spl.)

MB 2.11.33

Now 2.11.33

BR 2/11

S

2/11/33

Pub(Spl.)

25.182

295-40/B.1

3/11/33

PD

CHIEF SECRETARY 3-NOV1933 GOVT. OF MADRAS

Pub (Spl.) Dept.

For orders as to issue.

- Phansu Bat p. 26 ante.

Marissan.

4.11.33

PRK 2.11.33.

C2 issue 4.11.33

C3 ove 5.11.33

CHIEF SECRETARY 6-NOV1933 GOVT. OF MADRAS

From the Govt. Solicitor No.630 dated 3-1-34

Please see the opinion of the Advocate General on page 9 C.F. For the disposal of urgent criminal work at Bellary while the Dist. Judge is away at Sandur provision will have to be made by him under sec. 17 (4) of the Cr. P.C. as suggested by the High Court.

2. If the Sandur Darbar's proposal may be agreed to, the draft letter submitted is for approval. The file may be sent to the Law(Genl) and Fin. Deptts. for acceptance of the draft and to Law (drg) for perusal of the Advocate General's opinion.

42 29

Finance (CSR)

(Previous notes of this deptt. are on pages 9-11 and 13-14 ante)

The draft letter below may be accepted and the case returned to Public (Special) ~~Laws Offices Dept~~

16/1/34
20.1.34

Fin no: 1561-1 CSR
22-1-34
02020

ASSISTANT SECRETARY TO GOVT.
23 JAN 1934

Pub (Spl) Dept.

In order as to circulation

24. 1. 34

C2 24-1-34

C3 24.1.34

C4

CHIEF SECRETARY
29 JAN 1934
GOVT. OF MADRAS

HE 27.1.34

15/33-9 of 29.1.34 Approved

[C No. 13123] From the A.G.G., Malaya States,
No. P-788/133 dt. 2-8-5-24

Para 1 of the A.G.G's letter on p 12 cf.

Please see item (1) of the terms suggested by this Govt. on p 11 cf. The Sandan Darbar agree to pay a recurring fee of Rs 100/- p.m. but consider that the amount should not be drawn to revision within a period of three years. Attention is invited to ~~[illegible]~~ portion marked A of Hon C's note on p 12 ante. For orders whether the suggestion of the Sandan Darbar will be agreed to. Finance may see.

2 Para 2 of the A.G.G's letter on p 12 cf.

Attention is invited to portion marked B of Hon C,'s note on p 12 ante & the last paragraph of the letter on p 11 cf. There seems no objection to the adoption of the Darbar's suggestion.

The Darbar may be asked to send a draft scheme for the

~~83~~ 46

28 NCO

C/12/5.

3. No remarks seem called for on the draft notification of the Darbar at p. 15 C.F. A draft letter to the A.G.G. is submitted for approval.

For orders as to issue.

His C₁ + C₃ may see after issue

21/8/24

17.7.23

21-8

D.O. No. 17315-13 Pt. 28.8.34

My dear Stodart,

Sandur Chief Court - Appointment of District Judge, Bellary, as part-time Nyayadhish.

With reference to ~~in continuation~~ G.O. No. 904 Public (Spl.), dt. the 25th August 1934, I am desired to ask you to visit Sandur on the 1st September 1934 to receive your warrant of appointment ~~as part-time Nyayadhish of the Sandur Chief Court~~ and to enter upon the duties of ~~that~~ your office, as required under Section 4 of the Sandur Chief C... Act II of 1932.

1/8/34

21/8
P.T.O.

17 (4) of the Code of Criminal Procedure, 1898

3. The arrangements sanctioned above will come into force on the 1st September 1934

To

The District and Sessions Judge, Bellary.
The District Magistrate, Bellary.
The Hon. the C.J. (with C.L.)
The A.G., Madras (GAD Section)
The A.G.G., Madras States (with C.L.)
Copy to the Law (General) dept.
Finance dept.

THE SANDUR CHIEF COURT ACT.

C O N T E N T S.

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ACT NO. II OF 1932.

THE SANDUR CHIEF COURT ACT.

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An Act constituting the Sandur Chief Court, passed by Raja Shrimant Yeshwantrao Hindurao Ghorpade, Mamlakatmadar, Senapathi, Ruler of Sandur, on the 17th day of December 1932.

Part I----PRELIMINARY.

1. This Act may be called THE SANDUR CHIEF COURT ACT, 1932.

It extends to the whole of the Sandur Raj;

And it shall come into force on such date as Our Government may by Notification appoint.

2. "Chief Court" means the Chief Court of Sandur as constituted under this Act;

"Nyayadish" means the Judge of the said Chief Court, appointed under this Act;

And all references to the High Court and the Huzur Court in any Act or other law in force, shall be deemed to have been made to the Chief Court as constituted under this Act.

Part II.-- THE CHIEF COURT.

3. The Chief Court of Sandur shall consist of a single ge who shall be appointed by the Huzur, and shall hold his fice during the Huzur's pleasure.

4. The Nyayadish who shall, from time to time, be appointed to the Chief Court, whether permanently or temporarily shall previous to his entering on the duties of his office, make and subscribe the following declaration before the "Huzur Darbar:"

"I, A.B., appointed Nyayadish of the Chief Court do solemnly declare that I will faithfully perform the duties of my office to the best of my ability, knowledge & judgment."

5. There shall be a Registrar for the Chief Court who shall be appointed by the Huzur.

The Registrar shall be the head of the ministerial department of the Chief Court, subject general control of the Nyayadish.

N OF 6. The Nyayadish shall not hear or dispose of any Civil . or Criminal case in which he is a party or personally interest-

interested or shall adjudicate upon any proceeding connected with or arising out of such case.

7. The Chief Court shall have and use, as occasion may require, a seal bearing a device and impression of the Coat of Arms of the Ruler of Sandur, as described in the appended Schedule, with the inscription "THE CHIEF COURT OF THE SANDUR RAJ" in English and Kanarese.

The said seal shall be kept in the custody of the Registrar.

All orders, summonses and other processes shall be sealed with the said seal and shall be signed by the Registrar of the Chief Court or by any other officer that may be appointed in this behalf by the Nyayadish with the Huzur's previous sanction.

8. Save as otherwise provided in this Act and subject to the provisions of the Code of Criminal Procedure (Act XVI of 1931) the Chief Court shall be deemed, for the purpose of all enactments, for the time being in force, to be the highest Court of Civil and Criminal appeal, reference and revision in the Sandur Raj, and all the Courts, Civil and Criminal, in the said State, shall be subject to its superintendence and control.

9. The Chief Court may pass any judgment, order, or sentence according to law provided that:

in criminal cases sentences of death or of imprisonment for life shall be subject to the confirmation by the Huzur.

10. The Chief Court may make rules:

(a) for the qualifications, enrolment, suspension and dismissal of pleaders and mukhtars who shall practice before it and the Courts subordinate thereto, and for fixing and regulating the fees payable by any party in respect of the fees of his adversary's pleader, vakil, or mukhtar, in all its proceedings and in the Courts subordinate thereto;

(b) for the regulation of the practice and proceedings of the Chief Court and all civil and criminal Courts subordinate to it;

(e) for the inspection of the Courts subordinate to it, and the supervision of the working thereof;

Provided that no such rules shall come into force till they have been submitted to the Huzur and approved of by him.

Part III,--APPEALS & REVISIONS TO THE HUZUR.

11. Any person aggrieved by the Judgment, decree or order of the Chief Court made in a Civil case, may appeal to the Huzur, subject to such rules and orders as may, from time to time, be made respecting such appeals.

Provided that the amount or value of the subject-matter of the suit is not less than Rs.5,000/-.

12. Any person aggrieved by an order or sentence of the Chief Court, made in the exercise of criminal jurisdiction, may apply for revision to the Huzur, subject to such rules and orders as may, from time to time, be made in that behalf.

Provided the substantive sentence is for seven years or more imprisonment or of fine exceeding one thousand rupees

EXPLANATION. The mere fact that the sentence of imprisonment or of fine is respectively combined with fine or imprisonment shall not give a right to appeal under this Section, unless the limit of the sentence of imprisonment or fine is exceeded

13. The Chief Court shall conform to and execute or cause to be executed the judgments, decrees, orders or sentences, which the Huzur may think fit to make in cases coming before him, in such manner as ~~ex~~ any judgments or decrees orders or sentences of the Chief Court should or might have been executed.

Part IV.--MISCELLANEOUS.

14. Where in any suit or proceeding, it is necessary E, for the Chief Court or the Huzur to decide any question regarding succession, inheritance, marriage, or caste or any religious usage or institution

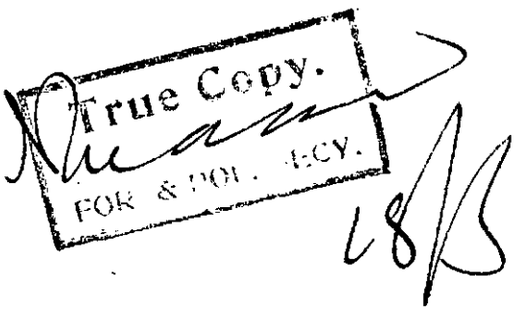
(a) the Hindu Law where the parties are Hindus and Mahomedan Law where the parties are Mahomedans, or

(b) any custom, if such there be, having the force of law and governing the parties or property concerned

shall form the rule of decision unless such law or custom

has by legislative enactment been altered or abolished.

(c) in cases where no specific rule exists, the Chief Court shall act according to equity, justice and good conscience.



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Judicial DEPARTMENT.

CHIEF SECRETARY (S)
5 - SEP 1934
Received
GOVERNMENT OF MADRAS

192 *Registered* 20572

Subject.

Reporting visit - Sandur on 1-9-1934.

Public (Spl) Dept

Rec'd

ADC

6/9/34

G.O. No. 904

ENCLOSURES.

No

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Station Bellary, *Dated the* 3rd September 1934. 192

From (Name) J.C.Stodart Esquire, I.C.S.,

(Designation) District Judge, Bellary.

Chief

To The Secretary to the Government of Madras,

Madras.

Department.

Sir,

With reference to G.O.No.M.S.904, Public(Special) Department dated 25-8-1934 I have the honour to report that I proceeded to Sandur on 1-9-1934, received the warrant of appointment as Nyayadhish of Chief Court at Sandur and returned to Bellary on the same day.

I have the honour to be,

Sir,

Your most obedient servant,

District Judge.

OR R

8/9/34